

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN, a minor by and through
his mother and natural guardian, TERESA
SHERTZER, and TERESA SHERTZER
Plaintiffs,

v.

PENN MANOR SCHOOL DISTRICT,
PENN MANOR SCHOOL BOARD,
GARY B. CAMPBELL, individually and as
Superintendent of the Penn Manor School
District,
AND
DONALD STEWART, individually and as
Acting Superintendent of the Penn Manor
School District,
AND
JANICE M. MINDISH, individually and as
Principal of Penn Manor High School of the
Penn Manor School District,
AND
BRIAN D. BADDICK, individually and as
Assistant Principal of Penn Manor High School
of the Penn Manor School District,
AND
PHILIP B. GALE, individually and as Dean of
Students of Penn Manor High School of the
Penn Manor School District,
AND
CAROLE FAY, individually and as a teacher
and Agriculture Coordinator at Penn Manor
High School of the Penn Manor School
District,
Defendants.

CIVIL ACTION
No. 02-CV-3594

(GARDNER)

PLAINTIFFS' SECOND AMENDMENT TO TRIAL MEMORANDUM

Plaintiffs, Joshua Shuman and Teresa Shertzter, by and through their undersigned counsel, file the within Second Amendment to Trial Memorandum. The purpose of the second amendment is to add additional Exhibits which were omitted from Plaintiffs' Trial Memorandum and Amendment to Trial Memorandum. Plaintiffs referred to the use of the deposition transcripts in their Trial Memorandum, but omitted them as actual exhibits. These deposition transcripts are admissible pursuant to Federal Rule of Civil Procedure 32 and Federal Rule of

Evidence 801 and 804. The following are the Exhibits which were omitted and Plaintiffs wish to add to their Exhibit lists in their Trial Memorandum and Amendment to Trial Memorandum:

- P-40 Janice Mindish Deposition Transcript
- P-41 Brian Baddick Deposition Transcript
- P-42 Philip Gale Deposition Transcript
- P-43 Donald Stewart Deposition Transcript
- P-44 Carole Fay Deposition Transcript
- P-45 Jay Shaieby Deposition Transcript
- P-46 Jennifer Nickle Deposition Transcript
- P-47 Jeremy Fritsch Deposition Transcript
- P-48 Shawn Bachman Deposition Transcript

Respectfully submitted,

BY: /s/ Deirdre A. Agnew
DEIRDRE A. AGNEW, ESQUIRE
Attorney for Plaintiffs
Goshen Executive Center
Building 400A
1450 East Boot Road
West Chester, PA 19380
(610) 738-4800
FAX (610) 738-4898

DATE: February 23, 2004

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CERTIFICATE OF SERVICE

I, Deirdre A. Agnew, Esquire, hereby certify that on the 23rd day of February, 2004, a true and correct copy of Plaintiffs' Second Amendment to Trial Memorandum, was served on Defendants or their counsel via first class, regular mail, postage prepaid, at the following address:

Ellis H. Katz, Esquire
Jason R. Wiley, Esquire
Sweet, Stevens, Tucker & Katz, LLP
331 Butler Avenue
P.O. Box 5069
New Britain, PA 18901

BY: /s/ Deirdre A. Agnew
DEIRDRE A. AGNEW, ESQUIRE